

V. REMARKS

The Abstract of the Disclosure is objected to because it contains more than 150 words. A substitute Abstract of the Disclosure being less than 150 words is attached hereto to obviate the objection. Withdrawal of the objection is respectfully requested.

Claim 3 is objected to because of an informality. Claim 3 is canceled and therefore the rejection is now moot. Withdrawal of the objection is respectfully requested.

Claims 3, 4, 5 and 9 are rejected under 35 USC 102 (b) as being anticipated by Arai et al. (U.S. Patent No. 5,800,147). Claim 1 is rejected under 35 USC 103 (a) as being unpatentable over Arai et al. in view of Taguchi et al. (U.S. Patent No. 5,173,032). Claim 6 is rejected under 35 USC 103 (a) as being unpatentable over Arai et al. The rejections are respectfully traversed.

As the Examiner insists, Arai et al. 147 fails to disclose the dimensions of said constricted portion are set so as to achieve an area equal to or less than the area of a circular section with a diameter of 1.5mm.

Also, the Examiner insists that Taguchi et al. 032 teaches a non clutch compressor having a cylinder (69), a piston (68) and an outlet with a constriction (89 and 90) having a constricted portion having an area greater than 5 mm² (diameter of 79mm) but less than 1.8mm² (diameter of 1.5mm), and is used to restrict the flow rate of the discharged fluid to attain the required resistance which was determined experimentally.

However, the discharge hole 90 indicated in Taguchi is formed in the cylinder 69 and is capillary communicating a crank chamber 89 and a suction chamber 78.

By having such a composition, the inside of the compressor is lubricated by performing the very small reciprocating motion of the piston which is required when

gas flow is generated from the discharge chamber to the crank chamber through each sliding section, further from the crank chamber to the suction chamber through the discharge hole serving as a throttling section.

Therefore, the discharge hole 90 is a hole which gas flows out from the crank chamber 89 to the suction chamber 78 and is not a hole which communicates a delivery passage and a delivery chamber as described in this application.

As a result, the following effects are not obtained.

- 1) The extent of discharge pulsation occurring at the compressor can be reduced.
- 2) The risk of the working fluid that has collected inside the compressor left in an OFF state for an extended period of time being pushed out together with the oil as the intake pressure rises to result in oil depletion inside the compressor and the compressor seizing upon startup can be eliminated.

Moreover, this invention provides the structure to reduce bad phenomenon (such as vibration, noise) attributable to the structure of the compressor described in claim 1.

Certainly, Arai disclose that outlet passage (132) in communication with outlet port (140) is made to communicate with rear-side discharge chamber (124b) via a constricted portion (105b) having a smaller passage section than the passage section at areas where other delivery passage communicates with front-side and rear-side discharge chambers in Fig. 3.

However, in the composition shown in Fig. 3 of Arai, a guide passage that communicates outlet passage (131) and outlet passage (132) is not provided. The present invention provides the structure to reduce bad phenomenon (such as vibration, noise) attributable to the structure of the compressor described in claim 1

that has the guide passage. Both Taguchi and Arai do not disclose the structure to evade bad phenomenon attributable to the structure that has the guide passage.

It is respectfully submitted that that none of the applied art, alone or in combination, teaches or suggests the features of the claimed invention as discussed above. Thus, it is respectfully submitted that one of ordinary skill in the art could not combine the features of the applied art to arrive at the claimed invention because the applied art is devoid of all the features of the claimed invention. As a result, it is respectfully submitted that the claimed invention is allowable over the applied art.

Withdrawal of the rejection is respectfully requested.

It is respectfully submitted that the pending claims are believed to be in condition for allowance over the prior art of record. Therefore, this Amendment is believed to be a complete response to the outstanding Office Action. Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to set forth further arguments and remarks supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

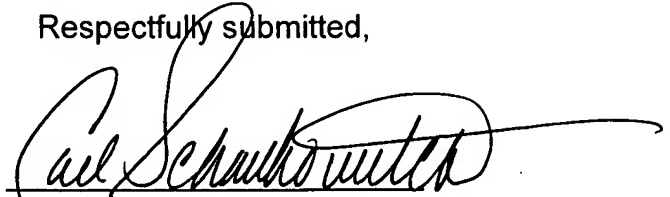
Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same,

the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: April 14, 2008

By:

A handwritten signature in black ink, appearing to read 'Carl Schaukowitch', written over a horizontal line.

Carl Schaukowitch
Reg. No. 29,211

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Enclosure(s): Amendment Transmittal
 Abstract of the Disclosure